



# ADMINISTRATIVE PROCEDURES

Procedure Number: 23-45  
Effective Date: 09/08/2011  
Revision Date: \_\_\_\_\_

  
County Administrator

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SUBJECT: **INVESTIGATION OF UNPAID WAGES**

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DEPARTMENT RESPONSIBLE: **Human Resources Department**

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## **I. STATEMENT**

To ensure compliance with the Fair Labor Standards Act (FLSA) and Pima County policies, and to protect the County from damages that could be levied from non-payment of wages owed to an employee, this procedure describes the steps to follow when an employee is seeking recovery of unpaid back-pay and/or overtime wages.

## **II. PROCEDURE**

- A. An employee who is on the payroll and fails to submit an amended Electronic Time and Attendance Form (eTAF) within two pay periods after the pay period(s) in which the employee worked and who alleges he or she was not properly paid in full will submit, through his/her supervisor, to the Appointing Authority a completed Request for Wage Adjustment Form (Attachment 1). The Appointing Authority will forward the form to the Human Resources Director.
- B. Upon receipt of the completed Request for Wage Adjustment Form, Human Resources Employment Rights (ER), in conjunction with the employee's department, will conduct an investigation into the validity of the claim. Employees will be required to provide any supporting documentation such as, but not limited to, pay stubs, time and attendance records, and correspondence from their department. ER will obtain copies of the employee's eTAFs from Finance and Risk Management for the applicable time periods.
- C. If it is determined that back wages and/or overtime wages are owed to the employee, Human Resources will make a determination as to the dollar amount owed to the employee and will draft a confidential settlement agreement.
- D. Upon written direction from the County Administrator, Finance and Risk Management payroll staff will process a warrant less all required deductions and deliver the pay warrant and deduction documentation to the Human Resources Director. The pay warrant will be presented to the employee upon the signing of the confidential settlement agreement. The confidential settlement agreement requires the signatures of the Appointing Authority, the employee, and when applicable, the employee's spouse.

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### III. RESPONSIBILITY

- A. All non-exempt employees are responsible for accurately recording their daily work time in accordance with Administrative Procedure 22-16 – Time Worked Record.
- B. All departments are responsible for ensuring that non-exempt employees accurately record their daily work time and timely submit an Electronic Time and Attendance Form (eTAF) for processing.
- B. Human Resources is responsible for providing guidance and interpretation of the Merit System Rules and Personnel Policies and this Administrative Procedure, as well as conducting thorough and timely investigations into all wage and hour violations to ensure employees are compensated for hours worked.
- C. The Finance and Risk Management Department is responsible for processing a check payable to the employee following normal procedures and making required deductions from the gross wages owed to an employee. The check will be delivered to the Human Resources Director and assigned Human Resources staff will conduct the settlement process with the employee pursuant to these procedures.

References: Fair Labor Standards Act  
Board of Supervisors Policy D 23-17  
Personnel Policies 8-102 and 8-104  
Administrative Procedures 22-16 and 23-40

**ATTACHMENT 1**

**PIMA COUNTY  
REQUEST FOR WAGE ADJUSTMENT FORM**

EMPLOYEE:	DATE:	
EIN:	DEPARTMENT:	DIVISION:

I am requesting an adjustment in my wages for the following reason(s):

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The date(s) for which I am requesting an adjustment are:

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The supporting document(s) that I am attaching to this request is(are):

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I hereby certify that the information contained on this form is true, correct, and complete to the best of my knowledge. I am aware that, should an investigation at any time disclose misrepresentation or falsification, I may be subject to discipline up to and including dismissal. I also understand that, if a settlement agreement is warranted, I may be subject to discipline up to including dismissal if I violate the conditions set out in the confidential settlement agreement.

I authorize Pima County to make all necessary and appropriate investigations to verify the information contained herein.

Supervisor's Comments:

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Employee's Signature

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Supervisor's Signature

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Appointing Authority's Signature